

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes

September 4, 2008

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on September 4, 2008.

MEMBERS PRESENT

Roger McDonald, Acting Chairman
Jim Ringo
Gary Tinker
Mary Pedersen
Daniel Triplett
Edward Mercer

OCCUPATIONS & PROFESSIONS STAFF

Gerald W. Hoppmann, Division Director
Susan Ellis, Fiscal Section Supervisor
Adriana Lang, Board Administrator

OTHERS PRESENT

Ryan Halloran, Attorney

MEMBERS ABSENT

Kathryn Witt

CALL TO ORDER

The Acting Chairman, Mr. Roger McDonald, called the meeting to order at 1:00 p.m.

OATH OF THE OFFICE

Ms. Carolyn Kyler administered the Oath of the Office to the new Board Members as follows: Mr. Daniel Triplett and Mr. Edward Mercer representing private investigators. The Acting Chairman, Mr. Roger McDonald welcomed the new Board members.

APPROVAL OF MINUTES

The minutes of the August 7, 2008 meeting was called to the attention of the members. A motion was made by Mr. Jim Ringo to approve the minutes. The motion, seconded by Ms. Mary Pedersen, carried.

FINANCIAL STATEMENT

The Board reviewed the Financial Statement indicating the balances of \$156,008.34 from July 1, 2008 to July 31, 2008 and. A motion was made by Mr. Roger McDonald to accept the Financial Statement. The motion, seconded by Ms. Mary Pederson, carried.

DIRECTOR'S REPORT

Mr. Gerald Hoppmann provided the Board an update on regulations 201 KAR 41:020 (application for licensure); 41:040 (fees); 41:060 (renewal and reinstatement procedures); 41:065 (inactive status); and 41:070 (continuing professional education requirements). He stated that the regulations were filed July 30, 2008. The Public Comment period, where public comments can be considered, will last through September 30, 2008.

Mr. Hoppmann also informed the Board that suggested changes to its forms which are incorporated by reference, can be integrated into the regulation review process. This will cause the changes to take effect after the regulations are approved by the Administrative Regulation Review Subcommittee (AARS).

Mr. Hoppmann provided the Board an update on the Schroeder Measurement Technology (SMT) contract status. He provided dates that an SMT Representative (Ms. Dana Anderson-Pancoe) could meet with the Subject Matter Expert (SME) Focus Group.

Mr. Edward Mercer made a motion to add Mr. Danny Triplett to the SME Focus Group, replacing Mr. Rick Hessig. The motion, seconded by Mr. Jim Ringo, carried. Mr. Gary Tinker informed the Board that representatives from the Kentucky Private Investigators Association (KPIA) and the Kentucky Society of Private Investigators (KSPI) who agreed to serve on the SME Focus Group are as follows: Mr. Tommy Swango (KPIA), Mr. Dale Dorning (KSPI) and Dennis Crawford (KPIA).

The Board agreed to schedule the meeting with SMT and the Focus Group on October 20, 21 and 22, 2008 at the Division of Occupations and Professions. The Board also agreed that the private investigator exam increase will go into effect on October 20, 2008. Mr. Hoppmann stated that prior to the SME Focus Group meeting, he would send the blueprint and current exam questions to members for review.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report of September 4, 2008.

COMPLAINT COMMITTEE REPORT

Mr. Ryan Halloran discussed with the Board the complaint 07-001. Mr. Edward Mercer made a motion to withdraw the first letter of admonishment and approve the second letter of admonishment. The motion, seconded by Mr. Jim Ringo, carried.

Mr. Gerald Hoppmann informed the Board that the Ceases and Desist letters to complaints 08-003 and 08-004 had been mailed.

ATTORNEY'S REPORT:

Mr. Ryan Halloran provided the Board the following reports:

He reviewed Cease and Desist correspondence that was mailed to Whitehall Bureau, Inc. The Board discussed The Whitehall Bureau, Inc. and Brian Finney case. Mr. Gary Tinker made a motion to hire an investigator from the Office of Inspector General to investigate the case. The motion, seconded by Mr. Edward Mercer, carried.

He will follow up with Ms. Diane Fleming the cases of Rusty James, Diane Patterson and Mike Worley, Eric Lakes, Barbara Payton, Steve Heath and Rodney Brock.

He will check the schedule of the hearing officers for the hearings for Rick Everroad and Robert Wilson.

Mr. Halloran and Mr. Hoppmann discussed the National League of Licensed Investigators, Inc. (NLLI) previous mention of legal action. Both agreed that past emails and other informal communications do not constitute formal legal action.

OLD BUSINESS

The Board reviewed correspondence from Mr. Mark Levine regarding Anthony Roman. Ms. Mary Pedersen made a motion to grant an extension to take the exam to Mr. Anthony Roman. The motion, seconded by Mr. Gary Tinker, carried.

The Board reviewed correspondence from Danny Cope regarding proof of insurance. Ms. Mary Pedersen made a motion to give Mr. Cope until the end of September 2008 to provide his proof of insurance. The motion, seconded by Mr. Jim Ringo, carried.

Mr. Gary Tinker asked if anyone would be interested to volunteer to assist the Applications Review Committee. Mr. Edward Mercer agreed to be a member of the Applications Review Committee.

The Board reviewed and discussed their forms. Mr. Gary Tinker made a motion to approve the suggested changes to the forms as amended. The motion, seconded by Mr. Edward Mercer, carried.

Ms. Mary Pedersen made a motion for the Board to develop a complaint form for unlicensed activity. Mr. Tinker stated he would update the suggested form and work with Mr. Hoppmann to finalize.

NEW BUSINESS

Mr. Gary Tinker made a motion to send plaques to Mr. Rick Hessig and Mr. Mike Ober. The motion, seconded by Ms. Mary Pedersen, carried.

Ms. Mary Pedersen informed the Board that her address was incorrect on the Executive Order. Mr. Gerald Hoppmann stated that he would contact the Governor's office on Ms. Pedersen's behalf.

APPLICATION REVIEW COMMITTEE

Mr. Gary Tinker gave the following report from the Applications Review Committee. Mr. Jim Ringo made a motion to approve the applications committee recommendations. The motion, seconded by Mr. Edward Mercer, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Samuel H. Lowe and John L. Price.*

INDIVIDUAL DEFERRED: *Benjamin C. Reddick.*

COMPANY DEFERRED: *Discovery Pro, Inc.*

TRAVEL AND PER DIEM

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Ms. Mary Pedersen, carried.

ADJOURNMENT

The Acting Chairman, Mr. Roger McDonald informed the Board that the next meeting is scheduled for Thursday, October 2, 2008, at 1:00 p.m., the Application Review Committee Meeting at 10:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Jim Ringo to adjourn. Motion seconded by Mr. Edward Mercer, carried. The meeting adjourned at 3:35 p.m.

APPROVED